

§ 15. Return of Senate Legislation

Bill Amending Silver Purchase Act

§ 15.1 The House by voice vote returned to the Senate a Senate bill which proposed to amend the Silver Purchase Act, on the ground that the bill affected the revenue and therefore was an infringement of the prerogatives of the House.

On Jan. 15, 1936,⁽⁷⁾ the House agreed to a resolution returning S. 3260 to the Senate, on the ground that it affected revenue.

MR. [JERE] COOPER of Tennessee: Mr. Speaker, I rise to a question of privilege of the House and offer the following resolution.

The Clerk read as follows:

HOUSE, RESOLUTION 396

Resolved, That the bill (S. 3260) to amend Public Law No. 438, Seventy-third Congress, entitled "An act to authorize the Secretary of the Treasury to purchase silver, issue silver certificates, and for other purposes", in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate

with a message communicating this resolution.

The resolution was agreed to, and a motion to reconsider was laid on the table.

Bill Amending Tariff Act of 1930

§ 15.2 The House by voice vote returned a Senate bill purporting to amend the Tariff Act of 1930, on the ground that it invaded the prerogatives of the House.

On Jan. 29, 1936,⁽⁸⁾ the House returned S. 1421 to the Senate on the ground that it invaded the prerogatives of the House.

MR. [JERE] COOPER of Tennessee: Mr. Speaker, I rise to a question of the privilege of the House and present a resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE OF RESOLUTION 406

Resolved, That the bill (S. 1421) to amend subsection (a) of section 313 of the Tariff Act of 1930, in the opinion of this House, contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement on the prerogatives of the House, and that said bill be respectfully returned to the Senate with 3 message communicating this resolution.

7. 80 CONG. REC. 448, 74th Cong. 2d Sess.

8. 80 CONG. REC. 1183, 1184, 74th Cong. 2d Sess.

THE SPEAKER:⁽⁹⁾ The question is on agreeing to the resolution.

The resolution was agreed to, and a motion to reconsider was laid on the table.

Bill Exempting Olympic Game Receipts From Taxation

§ 15.3 The House by voice vote returned a Senate bill which exempted from taxation receipts from the operation of the Olympic games, on the ground that it invaded prerogatives of the House.

On Feb. 21, 1936,⁽¹⁰⁾ the House agreed to a resolution returning S. 3410 to the Senate on the ground that it infringed upon House prerogatives.

MR. [JERE] COOPER of Tennessee: Mr. Speaker, I rise to a question of the privileges of the House and present a resolution for immediate consideration.

The Clerk read the resolution, as follows:

HOUSE, RESOLUTION 425

Resolved, That the bill (S. 3410) to exempt from taxation receipts from the operation of Olympic games if donated to the State of California, the city of Los Angeles, and the county of Los Angeles, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Rep-

resentatives, and is an infringement of the prerogative of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

THE SPEAKER:⁽¹¹⁾ The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. Cooper of Tennessee, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Measure to Redetermine Sugar Quota

§ 15.4 On the ground that it infringed upon the prerogative of the House to originate bills for raising revenue, the House ordered the return of a Senate joint resolution authorizing the President to make a redetermination of the Cuban sugar quota for 1960 [which involved a tariff as well as an incentive payment].

On July 2, 1960,⁽¹²⁾ the House by voice vote agreed to House Resolution 598, returning to the Senate Senate Joint Resolution 217 which, notwithstanding the provision of the Quota Act of 1948, as amended, authorized the President to determine the quota for Cuba under that act for the bal-

9. Joseph W. Byrns (Tenn.).

10. 80 CONG. REC. 2583, 74th Cong. 2d Sess.

11. Joseph W. Byrns (Tenn.).

12. 106 CONG. REC. 15818, 15819, 86th Cong. 2d Sess.

ance of the calendar year 1960 in such amounts as he found to be in the national interest. The joint resolution was returned because it infringed upon the prerogative of the House to originate bills for raising revenue.

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I offer a resolution based on the privileges of the House and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 598

That Senate Joint Resolution 217 in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said resolution be respectfully returned to the Senate with a message communicating this resolution.

MR. [CHARLES A.] HALECK [of Indiana]: Mr. Speaker, will the gentleman yield?

MR. McCORMACK: I yield.

MR. HALECK: Will the gentleman explain the resolution?

MR. McCORMACK: This resolution has the effect of sending back to the Senate the Senate resolution in relation to the sugar legislation. It states that the House respectfully declines to receive it on the ground that it involves revenue or affects revenue; and, under the Constitution, such legislation should originate in the House of Representatives.

THE SPEAKER: ⁽¹³⁾ The question is on the resolution.

13. Sam Rayburn (Tex.).

The resolution was agreed to.

A motion to reconsider was laid on the table.

Bill Raising Duty on Fishery Products

§ 15.5 A Senate-passed bill authorizing the President to raise the duty on fishery products was held to be an infringement of the privilege of the House, and was returned to the Senate.

On May 20, 1965,⁽¹⁴⁾ the House by voice vote agreed to House Resolution 397, returning S.1734 to the Senate, on the ground that it infringed the privileges of the House.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I rise on a question of the privileges of the House, send a resolution to the desk, and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 397

Resolved, That the bill of the Senate (S. 1734) to conserve and protect domestic fishery resources in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

14. 111 CONG. REC. 11149, 11150, 89th Cong. 1st Sess.

THE SPEAKER:⁽¹⁵⁾ The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The objectionable portion of S. 1734 stated:

That when the Secretary of the Interior determines that the fishing vessels of a country are being used in the conduct of fishing operations in a manner or in such circumstances which diminish the effectiveness of domestic fishery conservation programs, the President. . . *may increase the duty on any fishery product in any form from such country for such time as he deems necessary to a rate not more than 50% above the rate existing on July 1, 1934.*" (Emphasis supplied.)

Bill Amending Tariff Schedules

§ 15.6 The Senate having passed a bill relating to the Trust Territory of the Pacific Islands containing one title amending the tariff schedules of the United States, the House held that the Senate's action constituted a violation of article I, section 7 of the Constitution, and adopted a resolution returning the bill to the Senate.

On May 3, 1971,⁽¹⁶⁾ the House by voice vote agreed to House Res-

15. John W. McCormack (Mass.).

16. 117 CONG. REC. 12991, 92d Cong. 1st Sess.

olution 414, returning S. 860 to the Senate because it contravened article I, section 7 of the Constitution and infringed upon the privileges of the House.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I offer a resolution (H. Res. 414) which involves the privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 414

Resolved, That the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

THE SPEAKER:⁽¹⁷⁾ The Chair recognizes the gentleman from Arkansas (Mr. Mills).

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. MILLS: I will be glad to yield to the gentleman from Iowa.

MR. GROSS: Mr. Speaker, may we have a brief explanation of the reason for the action that is proposed?

MR. MILLS: Mr. Speaker, I will be glad to explain why I have offered this resolution. It is because the privileges of the House are actually being violated by title IV of the bill S. 860. That title includes an amendment of the Tariff Schedules of the United States,

17. Carl Albert (Okla.).

and all bills which include such amendments must originate in the House. . . .

The resolution was agreed to.

A motion to reconsider was laid on the table.⁽¹⁸⁾

Bill Amending Firearms Act

§ 15.7 The House returned a Senate bill to amend the National Firearms Act, on the ground that it contravened the constitutional prerogative of the House to originate bills to raise revenue.

On Mar. 30, 1937,⁽¹⁹⁾ the House by voice vote agreed to House Resolution 170, returning S. 1905 to the Senate because the Senate bill contravened the constitutional prerogative of the House under article I, section 7.

MR. [JERE] COOPER [of Tennessee]: Mr. Speaker, I offer a resolution for immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 170

Resolved, That the bill (S. 1905) to amend the National Firearms Act, passed June 26, 1934, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives and is an infringement of the prerogatives of this House,

18. See §19.5, *infra*, for Senate disposition of this matter.

19. 81 CONG. REC. 2930, 75th Cong. 1st Sess.

and that said bill be respectfully returned to the Senate with a message communicating this resolution.

The resolution was agreed to.

Substitute Adding Tax to House Bill

§ 15.8 The House held that a Senate amendment in the nature of a substitute imposing an additional tax, offered to a House bill to amend the Railroad Retirement Act, was an infringement upon the privileges of the House; and the House bill, as amended, was returned to the Senate.

On Sept. 14, 1965,⁽²⁰⁾ the House by voice vote agreed to House Resolution 578, returning H.R. 3157 to the Senate because Senate amendments to that bill contravened the constitutional prerogative of the House to originate revenue bills.

Mr. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I rise to a question of the privilege of the House and offer a resolution.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That the amendment in the nature of a substitute added by the Senate to the House bill (H.R. 3157) to amend the Railroad Retirement

20. 111 CONG. REC. 23632, 89th Cong. 1st Sess.

ment Act of 1937 in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House, and that the said bill, with the amendments, be respectfully returned to the Senate with a message communicating this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 16. Tabling Objection to Infringement

Senate Surtax Amendment

§ 16.1 The Senate having amended a House bill relating to excise tax rates by adding a general surtax on income, the House during consideration of the conference report refused to hold that the Senate's action constituted a violation of article I, section 7 of the Constitution, and laid on the table a resolution raising the matter as a question of the privileges of the House.

On June 20, 1968,⁽¹⁾ the House by a vote of yeas 257, nays 162, not voting 14, tabled House Resolution 1222 which sought to return to the Senate H.R. 15414 (a

1. 114 CONG. REC. 17970-78, 90th Cong. 2d Sess.

bill relating to excise tax rates) along with Senate amendments which added a surtax on income. The resolution was based on a contention that the Senate amendments contravened the constitutional prerogative of the House to originate revenue bills.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I call up the conference report on the bill (H.R. 15414) to continue the existing excise tax rates on communication services and on automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.⁽²⁾

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE:⁽³⁾ Is there objection to the request of the gentleman from Arkansas?

RESOLUTION OFFERED BY MR. GROSS—
PRIVILEGE OF THE HOUSE

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I rise to a question of privilege of the House and offer a resolution.

THE SPEAKER PRO TEMPORE: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1222

Resolved, That Senate amendments to the bill, H.R. 15414, in the

2. See § 14.2, *supra*, for a further discussion of this precedent.
3. Charles M. Price (Ill.).